

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NO. 2:21-cv-01263-KKE

JAMES and SHAYLEE MEDICRAFT,  
husband and wife and the marital community  
thereof, themselves and on behalf of their  
minor children: JM, AM, EM, MM and NM,

Plaintiffs,

v.

THE STATE OF WASHINGTON, et al.,

Defendants.

STIPULATED MOTION AND ORDER  
AMENDING ORDER APPROVING PHOENIX  
SETTLEMENT

**I. STIPULATION**

The parties, by and through their respective attorneys of record, request the Court amend its Order Approving Phoenix Settlement, ECF No. 431.

**II. FACTS**

On July 16, 2024, the parties submitted a Joint Motion to Approve Partial Settlement, Ratify, and Adopt Conditions in Settlement Guardian ad Litem's Report, ECF No. 380 along with a Proposed Order, ECF No. 380-1. The Court reviewed the motion, the report of the Settlement Guardian ad Litem, ECF No. 358, and independently reviewed the proposed settlement, and the

1 written settlement agreement between Plaintiffs and Phoenix, which was submitted for in camera  
 2 review. The Court also held two hearings on this matter with counsel for the parties and the  
 3 Settlement Guardian ad Litem. On September 6, 2024, the Court granted the Joint Motion to Approve  
 4 Partial Settlement, Ratify, and Adopt Conditions in Settlement Guardian ad Litem's Report with  
 5 conditions including, a revised SGAL report to account for the reduction of attorneys' fees and  
 6 correcting minor arithmetical errors, ECF No. 431. On September 6, 2024, appointed settlement  
 7 guardian ad litem, Andrew Lee Benjamin filed a Revised Report of Guardian ad Litem, ECF No.  
 8 432.

9 Ringler Associates, Inc., the settlement planning company that purchased the children's  
 10 annuities from Met Life on October 1, 2024, that requires specific language in and/or attached to the  
 11 order that was not previously included in ECF No. 431. Attached as Exhibit 1 is Ringler's Settlement  
 12 Advisor Julie Robinson's explanation for why the special language is needed. Attached as Exhibit 2  
 13 is "Exhibit A" that Ringer requires be included in the order.

14 Due to the rates of return, the sums outlined in ECF No. 432 differ slightly to Ringler's  
 15 Exhibit A, which provides more money to each of the three settling children. Attached as Exhibit 3  
 16 is Mr. Benjamin's letter approving the greater distributions to the three settling children that is  
 17 outlined in Exhibit A.

18 Under these circumstances, the parties jointly request the Court approve this stipulation by  
 19 entering the parties' agreed Amended Order Approving SGAL Report concurrently submitted to the  
 20 Court with this Stipulation.

21 Dated this 17<sup>th</sup> day of January 2025.

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<p>Paine Hamblen, P.S.</p> <p>By: <u>s/ Jeremy M. Zener</u>  Jeremy M. Zener, WSBA No. 41957  717 West Sprague Ave., Suite 1200  Spokane, WA 99201  Email: <a href="mailto:Jeremy.zener@painehamblen.com">Jeremy.zener@painehamblen.com</a>  <b>SAAG Attorneys – Tender Counsel for State</b></p>	<p>Benjamin Law Group, PLLC</p> <p>By: <u>s/ Andrew L. Benjamin</u>  Andrew L. Benjamin, WSBA No. 15223  4616 25<sup>th</sup> Ave. NE, #311  Seattle, WA 98105  T: (206) 622-8953  Email: <a href="mailto:abenjamin@benlaw.com">abenjamin@benlaw.com</a>  <b>Settlement Guardian ad Litem</b></p>

**ORDER**

The Court GRANTS the parties' stipulated motion (Dkt. No. 496). The Court will enter the parties' agreed amended order approving SGAL report.

Dated this 17th day of January, 2025.

A handwritten signature in black ink, reading "Kimberly K. Evanson". The signature is written in a cursive style with a large, stylized "K" and "E".

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Kymberly K. Evanson  
United States District Judge